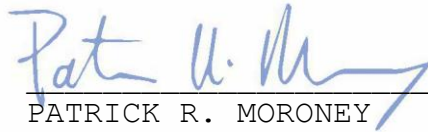


Approved: _____


PATRICK R. MORONEY

Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

21 MAG 1548

- - - - - X

UNITED STATES OF AMERICA

- v. -

JAMES JOHNSON,

Defendant.

: **COMPLAINT**

:
: Violation of
: 18 U.S.C. §§ 922(g)(1),
: 924(a)(2), and 2

:
: COUNTY OF OFFENSE:
: BRONX

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

LUKE MADDOCK, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Felon in Possession of a Firearm)

1. On or about February 4, 2021, in the Southern District of New York and elsewhere, JAMES JOHNSON, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm, to wit, a loaded 9 millimeter Taurus pistol, and the firearm was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement officers, as well as my examination of reports, records, and video. Because this affidavit is being submitted

for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of criminal history records, I have learned, among other things, that on or about October 13, 2016, JAMES JOHNSON, the defendant, was convicted in Rensselaer County Court of assault in the first degree, in violation of New York Penal Law Section 120.10(1), which is a Class B violent felony offense punishable by imprisonment of between five and twenty-five years. On or about February 14, 2017, JOHNSON was sentenced principally to a term of five years' imprisonment. JOHNSON was paroled on or about September 10, 2020.

4. Based on my conversations with an NYPD police officer ("Officer-1") and my review of Officer-1's body-worn camera, I have learned, among other things, the following:

a. On or about February 4, 2021, at approximately 11:40 p.m., in the vicinity of 350 East 143rd Street in the Bronx, New York, Officer-1 observed a row of vehicles that were double-parked. Accompanied by other officers, Officer-1 approached the driver of one of the vehicles - a grey Dodge sedan - to ask the driver for his license and to ask him to move the car.

b. In the course of Officer-1's discussion with the driver, Officer-1 shone his flashlight into the car and saw, in the center console, what appeared to be a container with marijuana.

c. Officer-1 asked the driver of the vehicle to step out of the vehicle, which he did. Officer-1 then asked JAMES JOHNSON, the defendant, who was a passenger in the back seat of the vehicle, to step out of the vehicle.

d. JOHNSON began to step out of the vehicle. As soon as he exited the vehicle, however, JOHNSON pushed Officer-1 and began to push and strike other officers who came to assist Officer-1.

e. The officers struggled with JOHNSON, attempting to restrain him and place him in handcuffs. During the course of the struggle, JOHNSON told the officers that he had a gun and that he was going to shoot them. During the struggle, JOHNSON refused to remove his left hand from his left jacket pocket.

f. Officers were eventually able to subdue JOHNSON and handcuff him. From the left pocket of JOHNSON's jacket, officers recovered a loaded 9 millimeter Taurus handgun (the "Firearm").

5. Based on my review of law enforcement databases, I know that the Firearm was reported stolen from South Carolina.

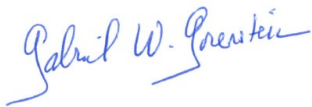
6. Based on communications with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, I have learned that the Firearm was not manufactured in New York State.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of JAMES JOHNSON, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s/ sworn telephonically

Detective Luke Maddock
New York City Police Department

Sworn to me through the transmission of this
Affidavit by reliable electronic means,
pursuant to Federal Rules of Criminal Procedure
41(d)(3) and 4.1 this 9th day of February 2021



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK